

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID DENT, Individually and on behalf
of a class of all similarly situated persons,

Plaintiffs,

v.

ITC SERVICE GROUP, INC., TIM SAUER,
KEVIN CAPPS, AND PATTI
SANDERSON, Defendants.

Case No. 2:12-cv-00009-JCM-VCF

**ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
AND COLLECTIVE ACTION
SETTLEMENT**

Complaint Filed: January 4, 2012
Trial Date: None Set

TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

The Application for Preliminary Approval of a Class Action Settlement came before this Court, the Honorable James C. Mahan presiding, on March 1, 2013. The Court having considered the papers submitted in support of the application of the parties, HEREBY ORDERS THE FOLLOWING:

1. The Court grants preliminary approval of the Settlement and the Settlement Class pursuant to Rule 23(b)(3) of the Federal Rules of Civil Procedure ("FRCP"), and conditional certification under 29 U.S.C. 216(b) of the Fair Labor Standard Act ("FLSA"), based upon the terms set forth in the Joint Stipulation of Settlement and Release filed herewith ("Preliminary

1 Approval Order”). The Settlement appears to be fair, adequate and reasonable to the Class.

2 2. The Settlement falls within the range of reasonableness and appears to be
3 presumptively valid, subject only to any objections that may be raised at the final fairness hearing
4 and final approval by this Court.

5 3. A final fairness hearing on the question of whether the proposed Settlement,
6 attorneys’ fees to Class Counsel, and the Class Representative’s Enhancement Award should be
7 finally approved as fair, reasonable and adequate as to the members of the Class is scheduled in
8 Courtroom 3A on the date and time set forth in the implementation schedule in Paragraph 10
9 below.

10 4. The Court approves, as to form and content, the Notice of Pendency of Class
11 Action, Proposed Settlement and Hearing Date for Court Approval (“Notice of Pendency of Class
12 Action”), in substantially the form attached to the Joint Stipulation of Settlement and Release
13 Between Plaintiff and Defendants as Exhibit A, and the Opt In and Claim Form (“Claim Form”) in
14 substantially the form attached thereto as Exhibit B. The Court approves the procedure for
15 Class Members to participate in, to opt into, to exclude themselves from, and to object to, the
16 Settlement as set forth in the Notice of Pendency of Class Action.

17 5. The Court directs the mailing of the Notice of Pendency of Class Action and
18 Proposed Settlement, and the Claim Form by first class mail to the Class Members in accordance
19 with the Implementation Schedule set forth below. The Court finds the dates selected for the
20 mailing and distribution of the Notice and the Claim Form, as set forth in the Implementation
21 Schedule, meet the requirements of due process and provide the best notice practicable under the
22 circumstances and shall constitute due and sufficient notice to all persons entitled thereto.

23 6. It is ordered that the Settlement Class is preliminarily certified for settlement
24 purposes only.

25 7. The Court confirms Plaintiff David Dent as Class Representative, and Leon
26 Greenberg of the Leon Greenberg Professional Corporation as Class Counsel.

27 8. The Court confirms Simpluris, Inc. as the Settlement Administrator.
28

9. To facilitate administration of the Settlement pending final approval, the Court hereby enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative proceedings regarding claims released by the Settlement unless and until such Class Members have filed valid Requests for Exclusion with the Settlement Administrator and the time for filing claims with the Settlement Administrator has elapsed.

10. The Court orders the following **Implementation Schedule** for further proceedings:


a.	Deadline for Defendants to submit Class Member information to Settlement Administrator	21 calendar days after Preliminary Approval Order
b.	Deadline for Settlement Administrator to mail the Notice and Claim Form to Class Members	30 calendar days after Preliminary Approval Order
c.	Deadline for Class Members to Postmark Claim Forms	45 calendar days after mailing of the Notice and Claim Form to Class Members
d.	Deadline for Class Members to postmark any Requests for Exclusions from the Rule 23 Class	45 calendar days after mailing of the Notice to Class Members
e.	Deadline for Class Members to postmark any objections to the Settlement	45 calendar days after mailing of the Notice to Class Members
f.	Deadline for Class Members to postmark any disputes of Hours Recorded	45 calendar days after mailing of the Notice to Class Members

g.	Deadline for Class Counsel to file Motion for Final Approval of Settlement	30 calendar days before Final Approval Hearing
h.	Deadline for Class Counsel to file Motion for Attorneys' Fees, Costs and Enhancement Awards	30 calendar days before Final Approval Hearing
i.	Deadline for Class Counsel to file Settlement Administrator's Declaration of Due Diligence, Proof of Mailing of Notice, and Receipt of Objections to Settlement or Requests for Exclusion from Rule 23 Class	16 calendar days before Final Approval Hearing
j.	Deadline for Defendants to provide written notice of rescission of Settlement to Class Counsel (if applicable)	10 calendar days before Final Approval Hearing
k.	Final Approval Hearing	_____, 2013
l.	Deadline for Defendants to pay, and the Settlement Administrator to distribute, the Settlement Awards, and the Court-approved attorneys' fees, costs, Enhancement Award and settlement administration expenses (if Settlement is Effective)	21 calendar days after Settlement is Final and Effective under Paragraph 15(b)
m.	Settlement Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees	90 calendar days after Effective Date, as such term is defined in the Stipulation of Settlement

	and Costs (if Settlement is Effective)	
n.	Deadline for Class Counsel to file joint request for opt-in Class Members to be FLSA Plaintiffs covered by and bound to the Settlement (if Settlement is Effective)	120 calendar days after issuance of the Settlement Awards

IT IS SO ORDERED.

Dated: March 1, 2013


 HON. JAMES C. MAHAN
 UNITED STATES DISTRICT JUDGE